

**REMARKS**

**Amendments to Claims**

Claims 1 through 5 have been cancelled, and claim 6 has been amended to include the substantive limitations of claim 1, from which claim 6 originally depended. Claim 6 has further been amended to include a limitation requiring at least one of the side protective portions to attach around one of the chair's arms and to be securable in that configuration by operatively connecting its left side to its right side.

Claim 8 has been amended to be consistent with newly amended claim 6 by requiring coupling elements to operatively connect the left and right sides of the protective portion as described.

Claims 31 through 34 have been cancelled, and claim 35 has been amended to include the substantive limitations of claim 31, from which claim 35 originally depended. Claim 35 has further been amended to include a limitation requiring the coupling elements on the side flaps to releasably couple the placemat to the side arms of the chair by operatively connecting the left side of one of the side flaps to the right side of the same side flap.

Claim 37 has been amended to expressly claim a front flap disposed between the two side flaps, as had been claimed in a presently cancelled claim 32 from which claim 37 had originally depended indirectly.

## **Rejections under 35 U.S.C. § 102**

Examiner has rejected several claims of the present application as being anticipated alternatively by Hannigan and Sugwara. Claims 1-5 have been cancelled presently, and so are not discussed herein. For the following reasons, applicant respectfully submits that these references to not anticipate nor render obvious any of the remaining claims, as presently amended.

### U.S. Patent No. 3,999,221 to Hannigan

Examiner rejected claims 1-12 and 31 as being anticipated by Hannigan. Hannigan discloses a conventional bib die cut from a single sheet of material. Hannigan, however, does not disclose nor suggest a combination placemat and protective seat covering as claimed presently.

As a preliminary matter, Examiner identifies portions 46 and 48 of figure 2 as being "skid resistant portions" as claimed in the present application. These portions, however, are not skid resistant members but are instead "two sided tape strips" used to form a pocket in the bib:

[p]ocket 44 is provided by folding a flap portion 45 of bottom end 42 and securing the folded flap at the margins of sides 38 and 40 to the portion of bib 10 beneath the flap 45 with vertical left and right adhesive two sided tape strips 46 and 48. Strips 46 and 48 may alternatively be formed of a multiplicity of upstanding miniature hooks commonly referred to with the trademark Velcro.

Col. 2, lines 18-25. Indeed, in ordinary use, these elements make no contact with a table surface and are incapable of providing skid resisting functionality as disclosed and claimed in the present invention.

Next, the bib of Hannigan includes no side protective portion or flap to be operatively coupled around a chair's side arm. Even if the "left and right S curves 34 and 36" of Hannigan

(col. 2, lines 10-14) were deemed to be such side protective portions (which Applicant does not concede), Hannigan would nonetheless lack any disclosure or teaching of a structure for securing these portions around a chair's arm by operatively connecting two opposing sides of these portions.

Finally, Hannigan discloses two "tie strips", items 22 and 24 in figure 2, which are of sufficient lengths to accommodate necks of various sizes in the neck opening formed between them:

[e]longated tie strips 22 and 24 are each of a length greater than the diameter of the generally circular neck opening 14 in order that the bib 10 may accommodate various size necks, from infant to adult.

Col. 2, lines 4-7. Hannigan implicitly teaches only that these tie strips are connected to one another around the neck of a user as is usual in the use of a conventional bib. Regardless, Hannigan does not teach or suggest that these ties should be used in any other manner. Hannigan discloses no structure which would permit tie strips 22 and 24 to secure one side of either "left and right S curve" to the other side of the same "S curve."

Claim 6 as presently amended expressly requires at least one of the side protective portions to attach around one of the chair's arms and to be securable in that configuration by operatively connecting its left side to its right side. Similarly, claim 35 as presently amended includes the substantive limitations of presently cancelled claim 31 and requires side flaps to be releasably coupled around said side arms of the chair by operatively connecting the left side of one of the side flaps to the right side of the same side flap.

Hannigan lacks any disclosure of a side protective portion/flap as required by claims 6 and 35, and so Hannigan does not anticipate these claims. Even if Hannigan's "left and right S

“curves” were deemed to be such side protective portions/flaps, Hannigan would still fail to anticipate claims 6 and 35 because Hannigan lacks any disclosure of a means for securing the “left and right S curves” around a chair’s arm in the manner claimed. Each of claims 7-12 and 36-43 depends directly or indirectly from claim 6 or 35, and so Hannigan fails to anticipate these claims for the same reasons presented.

U.S. Patent No. 6,786,256 B2 to Sugwara

Examiner rejected claims 1, 3-9, 12, 31 -36, 39, and 40 as being anticipated by Sugwara. Sugwara neither discloses nor suggests any side portion/side flap as claimed in the present application.

Sugwara discloses a tablecloth-like covering having integrated napkin portions. The only function disclosed for the integrated napkin portions is that of a napkin and/or personal bib; that is, the disclosure teaches only that the napkin portions, when not being stored, are to be placed on an individual’s lap (*see, e.g.*, figure 3 and col. 4, lines 24-32) or worn as a bib by being secured to an individual’s neck (*see, e.g.*, figure 9).

Assuming without admitting that the napkin portions constitute side portions/side flaps as presently claimed, Sugwara neither discloses nor suggests any structure for securing the napkin portions around the side arm of a chair. Sugwara nowhere discloses, discusses or even mentions any chair having side arms. Consequently, Sugwara cannot – and does not – disclose napkin portions capable of providing the functionality of the side portions disclosed and claimed in the present invention.

Furthermore, each napkin portion of Sugwara includes “planar fasteners” located at the proximal end (i.e., the end farthest from the table surface), each of which mates with a

corresponding "planar fastener" located at the distal end (i.e., the end nearest the table surface).

Each napkin portion is placed in a stored position when the proximally located planar fastener is connected to its corresponding distally located planar fastener:

the table cover 1 may be . . . also seen apparently as a common table cover, when not in use because the napkins can be easily fixed within its side portions by holding back them, with several sets of the planar fasteners 8 thereon . . .

Col. 4, lines 44-51. Sugwara discloses no other use for the proximally located planar fasteners.

This disclosure of planar fasteners *prevents* the use of the napkin portions in the manner of the present application's side portion/flaps. The only use disclosed use for the proximal planar fasteners is to mate with corresponding, distally located planar fasteners to secure the napkin portion in a stored position. Sugwara teaches that these planar fastener pairs (i.e., the pair consisting of a proximal and corresponding distal planar fastener) are male-female in nature:

fastener means 7 for holding back [i.e., storing] the napkins 5, such as some sets of male-female planar fasteners 8 are prepared at opposite portions for holding the turned napkins on both longitudinal sides of the table cover

Col. 5, lines 23-26 *and see, e.g.*, col. 5, lines 14-16. Two male or two female proximal planar fasteners could not connect to one another around the arm of a chair or anywhere else. Thus, Sugwara's napkin portions could not be affixed around an arm of a chair by affixing two male (or two female) planar fasteners to one another. Sugwara teaches only that the napkin portions' distal ends are affixed to their proximal ends via opposing pairs of planar fasteners; Sugwara neither suggests nor inherently permits two proximally located planar fasteners to be attached to one another as required by the pending claims.

Finally, Sugwara discloses no front flap portion. The portion of Sugwara's table covering disposed between the napkin portions contains no structure for coupling it to anything, whether it be a chair's arm or to itself. Sugwara also discloses nowhere any chair having a front arm portion, and so Sugwara suggests no front flap structure to be coupled to such a front arm portion.

Claim 6 of the present application as amended requires at least one of the side protective portions to attach around one of the chair's arms and to be securable in that configuration by operatively connecting its left side to its right side. Sugwara's napkin portions cannot provide this function, and so Sugwara lacks any structure corresponding to this claim element. Sugwara further provides no teaching to secure anything around the arm of any chair. Sugwara therefore does not anticipate claim 6 or any claim depending therefrom.

Furthermore, dependent claim 8 as presently amended requires coupling elements to operatively connect the left and right sides of the protective portion around a chair's side arm. Again, Sugwara lacks any corresponding structure, instead disclosing only planar fasteners which would prevent the coupling required by claim 8, not provide it. Sugwara does not anticipate claim 8 or any claim depending from it for this reason as well.

Claim 35 as presently amended includes a limitation requiring coupling elements on the side flaps to releasably couple the placemat to the side arms of the chair by operatively connecting the left side of one of the side flaps to the right side of the same side flap. Thus, Sugwara does not anticipate claim 35 or any claim depending from it for substantially the same reason as claim 6. Dependent claim 37 further includes a limitation requiring a front flap disposed between the two side flaps, and coupling elements on the front flap to releasably couple

the placemat to the front arm of the chair. Sugwara lacks any teaching of such a structure, and so Sugwara does not anticipate claim 37 or any claim depending therefrom for this reason as well.

#### **Rejections under 35 U.S.C. § 103**

Examiner further rejected several of the pending claims under 35 U.S.C. § 103 over Sugwara, alternately in view of Jones, Shoemaker and Ackerman. Because none the three additional references provide the claim elements lacking in Sugwara, the combination of Sugwara with Jones, Shoemaker and/or Ackerman does not render obvious any of the pending claims as presently amended.

##### **Sugwara in View of Jones**

Jones discloses an apparatus for securing a table cloth to a table top, including several strips which connect to one another underneath a table top, thereby securing the covering to the table:

[e]ach strip is of a length to pass around the edge of the table 7 (see FIG. 2) and to extend underneath at least enough to allow fasteners 3 to be underneath the table. The second set of strips are essentially longer than the first set of strips 2 so that each of them passes around the edge of table, and extends a length necessary to bring fasteners 5 in contact with fasteners 3. In this fashion, the connection is at a location convenient to the user.

Col. 2, lines 20-31 (paragraph breaks omitted). Nowhere does Jones disclose or suggest any structure for securing anything to or around a chair. Quite simply, Jones teaches only a means for "strapping down" a table cloth.

The combination of Sugwara with Jones, assuming without admitting any motivation to do so, would yield only a table covering having integrated napkins and a means for securing the

covering to a table top. Thus, Sugwara in view of Jones neither suggests nor teaches applicant's invention as presently claimed.

Sugwara in View of Shoemaker

Shoemaker discloses a place mat having certain arrangements of non-skid elements on the underside thereof. Shoemaker neither discloses nor suggests the claim elements lacking in Sugwara, namely any structure for securing anything to a chair. Thus, the combination of Sugwara with Shoemaker, assuming without admitting any motivation to do so, fails to suggest or teach a device resembling in any substantive way applicant's invention as presently claimed.

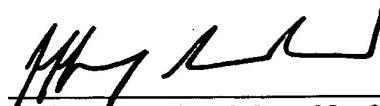
Sugwara in View of Ackerman

Ackerman discloses a place mat having multiple layers of materials, providing for the display of graphics. Ackerman neither discloses nor suggests the claim elements lacking in Sugwara, namely any structure for securing anything to a chair. Thus, the combination of Sugwara with Ackerman, assuming without admitting any motivation to do so, fails to suggest or teach a device resembling in any substantive way applicant's invention as presently claimed.

### **Conclusion**

For the foregoing reasons, applicant submits the references cited do not anticipate or render obvious, alone or in combination, the claims as presently amended. Applicant therefore respectfully requests that Examiner withdraw his rejections and allow the patent to issue.

Respectfully submitted,



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